

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

C&J Associates Pest Control,

CURTIS DUNCAN

Plaintiff,

VS.

CV-06-884-MEF

BOB RILEY  
DRAYTON NABERS  
JAMES MAIN  
TROY KING  
KATHY SAWYER  
COURTNEY TARVER  
JUNE LYNN  
JUDY COBB  
RAY BRESSLER  
JOHN BLOCH  
JOE DEBROW  
BRUCE ALVERSON  
LINDA SHELTON  
KNOX PEST CONTROL  
et al.  
DEFENDANTS

**PLAINTIFF MOTION FOR THE MAGISTRATE JUDGE TO ISSUE AN ORDER TO STRIKE OR STAY DEFENDANTS' MOTIONS TO DISMISS AND ISSUE AN ORDER TO COMPEL THESE STATE OFFICIALS TO PERMIT PLAINTIFF TO VIEW AND COPY THE BID FILES FOR THE PEST CONTROL PROPOSAL AND THE PEST CONTROL SOLICITATIONS**

Comes now Plaintiff Curtis Duncan, Sole Proprietor/Owner of C & J Associates Pest Control requests that your honor issue an order to strike or stay the Defendants' Motions to Dismiss. Issue an order to compel these State Officials to permit Plaintiff to inspect and copy the bid files for Pest Control Solicitation 03-X-8002278, Pest Control Proposal for June 25, 2004, Pest Control Solicitation 04-X-

SCANNED  
08/11/2006

6038553 and all correspondence concerning these bid files.

The Defendants collectively are still participating in the conspiracy by trying to have this lawsuit dismissed by fraudulently misrepresenting the facts of this case to this Court. The Defendants have violated Plaintiff statutory right to inspect and copy public writing. Alabama Statute 36-12-40 and Federal Statute Freedom of Information give citizens the rights to inspect and copy public writings.

Plaintiff wrote several letters and protests concerning this matter on May 25, 2004, September 9, 15, 21, 29, 2004 and other letters, the Defendants simply ignored and or gave fraudulent misleading pretextual answers for violating Plaintiff statutory and constitutional rights. The Defendants have continued their illegal scheme to keep their cancellation, evaluation and the awarding of a Competitive Bid secret to cover up their improprieties. Plaintiff can't responsibly respond to the Defendants' Motion to Dismiss or Amend his Complaint until the Court compel these State Officials to perform their ministerial duties and permit Plaintiff to inspect and copy for the aforementioned public bid files. Plaintiff letter of September 29, 2004 specifically requested that the Defendants permit Plaintiff to inspect and copy the public bid files of the Request for Proposal for June 25, 2004, Contract 8002278 and Solicitation 04-X-6038553, before a final decision was made concerning the Pest Control contract. The Defendants have failed to inform Plaintiff of their final decision concerning the Pest Control contract and the date of that decision. Even today the Defendants are still abusing their power by preventing Plaintiff from viewing public bid files.

By compelling these State Officials to permit Plaintiff to inspect and copy the aforementioned public bid files. Plaintiff will be able to (1) Amend his Complaint and to specify each Defendants role and acts involved in this conspiracy. (2) Respond to all issues raised by the Defendants' Motion to Dismiss. (3) Prove that the Defendants failed to properly answer Plaintiff letters and protests in a timely manner. (4) Prove that the Defendants failed to inform or put Plaintiff on notice of their final decision before awarding the Pest Control Solicitation 04-X-6038553. (6) Prove that the Defendants are trying to fraudulently

misrepresenting the facts that the 2-year statute limitations began before October 1, 2004 when there is no documentation in the bid file to support this claim. (7) Prove that the Defendants discrimination against Plaintiff continued, into the year of 2005. Plaintiff can prove that the 2-year statue of limitations would not begin before the calendar year of 2005. This conspiracy continued with the improper cancellation of Plaintiff contract to perform pest control services for North Alabama Regional, the bid file will document letters and protests concerning this matter continued into the calendar year of 2005. (8) Prove that the Plaintiff filed a complaint with the Board of Examiners of Public Accounts around about September 15, 2004 about the improprieties of the Defendants concerning their handling of the Pest Control Contracts. The Board of Examiners failed to perform their ministerial duty to issue Plaintiff a report of their ten month investigation concerning this matter. (9) Prove that the Defendants violated Plaintiff rights to make and enforce a pest control contract with Mental Health and Mental Retardation. Defendants impaired Plaintiff ability to enjoy all benefits, privileges, term and conditions of a contractual relationship rights afforded to white vendors. Defendants impaired Plaintiff ability to make, perform, modify and termination of contract under the same rights afforded white vendors. The Defendants conspiracy against Plaintiff was continuous for several years and wasn't completed until the year 2005.

For the reasons stated above, the Plaintiff respectfully moves the Court to Strike or Stay the Defendants' Motions to Dismiss. Issue an order to compel these State Officials to permit Plaintiff to inspect and copy the bid files for Pest Control Solicitation 03-X-8002278, Pest Control Proposal for June 25, 2004, Pest Control Solicitation 04-X-6038553 and all correspondence concerning these bid files.

Respectfully submitted,

*Curtis Duncan 11-28-06*

Curtis Duncan  
Plaintiff, Pro Se  
C&J Associates, Pest Control  
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### CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2006, I have served a true correct copy of the above and foregoing by first class, United States mail, properly address and postage prepaid, or hand delivered on defendants as follow:

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Curtis Duncan 11-28-06

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